IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21195 of 2007(W)

PETITIONER:

V.J.XAVIER, AGED 60,
VENATTUSSERY HOUSE,
POOMALA P.O., TRISSUR.

BY ADV. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.21195 of 2007

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Dated this the 10th day of July, 2007

J U D G M E N T

The petitioner applied for regular permit to operate on the route Thrissur-Chathamma. The same was granted as per Ext.P3 proceedings of the R.T.A., Ernakulam, subject to the countersignature of the R.T.A., Thrissur. Petitioner's contention is that no further proceedings have been taken pursuant to Ext.P3 by the respondent. The petitioner, therefore, seeks the following relief:

> "i) to issue a writ of mandamus or any other appropriate writ direction or order commanding the respondent to implement Ext.P3 order of the Regional Transport Authority, Ernakulam by settling the timings and issuing the regular permit to the petitioner to operate on the route Thrissur-Chathamma as limited stop ordinary service in respect of his stage carriage KL.8/E.9995 subject to countersignature of the Regional Transport Authority, Thrissur as expeditiously as possible at any rate within a short time stipulated by this Hon'ble Court."

2. From Ext.P3 I find that the same was passed on 27.1.2005. Of course the petitioner would

contend that he has been repeatedly requesting the respondent for further steps. The very fact that the petitioner has not taken any steps to get the order implemented for a period of two-and-a-half years itself would show that the petitioner is not interested in the matter. At least it is clear that he has slept over his rights for two and a half years in so far as he has not approached any higher authority for enforcing his rights. Therefore, he is guilty of delay and laches. Even going by Ext.P6, it is dated 15.3.2006. The petitioner has not been able to satisfy me that thereafter the petitioner has done anything in the matter for the last more than a year. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction in favour of the petitioner who has slept over his rights and, accordingly, this writ petition is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.